

## **SEARCH AND SEIZURE — Knock and announce; standing to challenge search**

**Revised 11/2009**

To have standing to challenge a violation of the knock and announce rule, a defendant must have been present at the time of the entry. *State v. Papineau*, 146 Ariz. 272, 273-74, 705 P.2d 949, 950-51 (App. 1985). It is not sufficient that the defendant lived in the house if he was not present when the violation occurred. *Id.* Only one whose own rights have been violated may seek the remedy of exclusion. *Rakas v. Illinois*, 439 U.S. 128 (1978). "The right which knock and announce rules provide occupants is the right to be warned that their privacy is about to be legally invaded." *State v. Sanchez*, 128 Ariz. 525, 528, 627 P.2d 676, 679 (1981). Anyone who is not present at the time of the entry cannot challenge the search or its results on that ground. *Papineau*, 146 Ariz. at 273-74, 705 P.2d at 950-51.